

THE OFFICE ACTION

In the Office Action issued on May 13, 2005, the Examiner objected to claim 3 as incorrectly containing a capital "K". The Examiner further objected to the abstract as not including the dopant Mn^{2+} in the phosphor formulation. The Examiner objected to the drawings because reference numbers were not included in the specification.

The Examiner rejected claims 1, 2, 10, 12-15 and 17-22 under 35 U.S.C. §102(b) as being anticipated by WO 02/11214 to Bokor et al. ("Bokor"). The Examiner further rejected claims 1-7, 10, 12-15, 18 and 19 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,340,824 to Komoto et al. ("Komoto") in view of Bokor. The Examiner also rejected claims 8 and 11 under 35 U.S.C. §103(a) as being unpatentable over Bokor in view of WO 01/89001 to Srivastava ("Srivastava"). The Examiner also rejected claim 9 under 35 U.S.C. §103(a) as being unpatentable over Bokor in view of U.S. Patent No. 6,340,824 to Danielson et al. ("Danielson"). Also, the Examiner rejected claim 16 under 35 U.S.C. §103(a) as being unpatentable over Bokor.

REMARKS

Amendments have been made to the abstract, drawings, and claim 3 to address the Examiner's objections to these. Specifically, the reference characters 112, 114, 116, 118, 214 and 216 have been removed from the figures. The abstract has been amended to include the use of the Mn^{2+} dopant.

The claims have been amended to recite that the $(\text{Ba}, \text{Sr}, \text{Ca})_3\text{Mg}_x\text{Si}_2\text{O}_8:\text{Eu}^{2+}, \text{Mn}^{2+}$ phosphor is non-stoichiometric, i.e. wherein $1 < x \leq 2$. Bokor only discloses the use of the stoichiometric phosphor $(\text{Ba}, \text{Sr}, \text{Ca})_3\text{MgSi}_2\text{O}_8:\text{Eu}^{2+}, \text{Mn}^{2+}$, i.e. wherein x in the above equation is 1 (see e.g., table 3 and table 4, phosphor number 30).

Bokor fails to disclose or suggest the use of the non-stoichiometric claimed phosphor. In addition, none of the other references cited by the Examiner, either alone or in combination, disclose such a non-stoichiometric phosphor either. Thus, the references cited by the Examiner fail to disclose or suggest the present claims.

It is respectfully submitted that the subject application is now in better condition for examination.

Respectfully submitted,

FAY, SHARPE, FAGAN,
MINNICH & McKEE, LLP

Aug 15, 2005
Date

Joseph E. Waters
Joseph E. Waters, Reg. No. 50,427
1100 Superior Avenue, Seventh Floor
Cleveland, Ohio 44114-2579
(216) 861-5582

Attachment: Replacement Sheet
(Figs. 1, 2, and 3)

AMENDMENTS TO THE DRAWINGS:

The attached sheet of drawings includes changes to Fig. 2 and Fig. 3. This sheet, which includes Figs. 1, 2 and 3, replaces the original sheet including Figs. 1, 2 and 3. In Fig. 2, the reference characters 112, 114, 116 and 118 have been removed. In Fig. 3, the reference characters 214 and 216 have been removed.

Attachment: Replacement Sheet